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Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. Claims 1-20 are pending.

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Claim Rejection - 35 U.S.C. §102:

Claims 1, 4, 8, 9, 11, 13-15 and 18-20 were rejected under 35 U.S.C. §102 as being anticipated by Michael (U.S. 2004/0170263). This rejection is respectfully traversed.

The following legal requirements are required to sustain a rejection under 35 U.S.C. §102.

"The identical invention must be shown in as complete detail as is contained in the ... claim."
Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1:

Claim 1 addresses a method for providing presence state information. First messages are received from a switch in the PSTN containing call event information for leased one telephone line served by the switch. A presence state is determined for a PSTN subscriber associated with the at least one telephone line based on the call event information where the call event information defines both when the one telephone line is available and is not available to receive a call. A second message is transmitted using Internet protocol to a first Internet terminal equipment where the second message contains the presence state information associated with the at least one telephone line. It should be noted that the present state is based on call event

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information that defines both when the subject telephone line is available and is not available to receive a call.

A telecommunication system according to an embodiment of the invention of Michael is shown at its FIG. 5. A multimedia server 104 includes a presence server 215 and a dynamic presence proxy 114 that is part of applications 112. As explained in paragraph 29, the phones 120 and computers 122 implement the presence services 128 that operate in conjunction with presence server 215; all these elements are shown as connected by a LAN 102. The PSTN or a PBX 118 is shown as being connected to the system by a gateway 116. The only explanation of how the system can derive information about users not directly connected to the LAN, e.g. subscriber directly connected to the PSTN, is:

"... routing system 116 receives calls from remote users and identifies them, typically via a known calling number identification technique using calling number identification unit 1117." (Paragraph 24)

Merely having access to calling line identification information (CLID), i.e. the telephone number of the called party and/or the telephone number of calling party provided as part of a call or origination, is not sufficient to provide the call event information as required in accordance with claim 1 in order to provide a corresponding presence state determination. In accordance with claim 1, the call event information defines both when the telephone line is available to receive a call and when the telephone line is not available to receive the call. That is, the call event information is definitive of both.

Relying merely upon CLID information associated with call originations as suggested by Michael is not sufficient to make a definitive determination of both conditions as to the PSTN supported subscriber. For example, assume that "Charlie" in Michael desired to monitor the status of a remote user supported by a PSTN switch in the PSTN 118 and that this remote user is on-hook (available to receive a call). Charlie's watch list of the remote user would be indeterminate, i.e. the current presence status of the remote user would be unknown to the system 104. This is because the PSTN switch in PSTN 118 that supports the remote user does not provide call event information associated with its subscriber's outside of its PSTN switch

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environment, i.e. the PSTN switch would not provide call event information by gateway 116 to the system 104. So for example, Charlie would not be able to determine whether the remote user was on-hook (available to receive a call) or was off-hook (not available to receive a call). Even if the remote user was off-hook and engaged in an ongoing conversation with another remote user outside of the system 104, the system 104 of Michael would receive no information from the PSTN switch that would allow system 104 to determine that the subject remote user was off-hook since the system 104 would not have been part of the call with the another remote user and hence would not have received any CLID information related to the remote user. In this regard, the system 104 of Michael is similar to that of Tang, that is, it is part of a separate intranet (LAN) and does not receive the required call event information from the PSTN switch supporting the subscriber.

Therefore, Michael does not anticipate the subject matter of claim 1 and the withdrawal of the rejection is requested.

Claim 8:

Claim 8 addresses a method according to claim 1 wherein the first messages received from the at least one switch are in a PSTN compatible protocol and are transmitted on every occurrence of the one telephone line changing from one presence state to another presence state. Michael does not provide a teaching of this requirement. Since only CLID is disclosed in Michael as a way to determine some indication about a remote user, one of ordinary skill in the art would understand that CLID is provided only upon an initial call origination request and is therefore not available to determine every occurrence of the one telephone line changing from one presence state to another presence state. For example, changing from an off-hook state to an on-hook state would not give rise to the generation of a CLID transmission, and hence would not provide a signal from the PSTN switch that could be used by Michael to determine a change of presence state. Thus, Michael does not anticipate the subject matter of claim 8.

Claims 9, 14, 16, 17:

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Claims 9, 16 and 17 are believed to be allowable for reasons explained above regarding claims 8 and 1. Claim 14 is believed to be allowable for reasons explained above regarding claim 1.

Claim Rejections - 35 U.S.C. §103

Claims 1-7, 10, 12 and 14-17 were rejected under 35 U.S.C. §103 as being unpatentable over Tang ("ConNexus to Awarenex: Extending awareness to mobile user" article [supplied by applicant]) in view of Michael (U.S. 2004/0170263). This rejection is respectfully traversed.

MPEP §706.02(j) states: "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." (Underscoring emphasis added.)

Claim 1:

It was acknowledged in the Office Action that Tang does not teach "using PSTN". The explanation and arguments presented by applicant in its last communication are incorporated herein by reference. The withdrawal of the 35 U.S.C. 102 rejection applied in the prior Office Action based on Tang is gratefully acknowledged. As explained above regarding the teachings of Michael relevant to claim 1, Michael does not teach the required presence determination from a PSTN switch. Since neither of the applied references provide such a teaching, a prima facie case of obviousness has not been established considering the teachings of Michael, Tang and/or the combination thereof. Withdrawal of this rejection is requested.

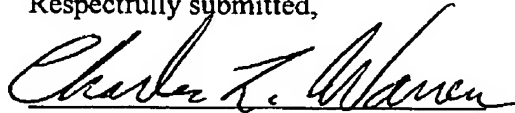
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Claims 14, 16, 17:

Claim 14 is believed to be allowable for reasons explained above regarding the 35 U.S.C. 103 rejection of claim 1. Claims 16 and 17 are believed to be allowable for reasons explained above regarding claims 8 and 14.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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